

**San Francisco Estuary Project
Implementation Committee Meeting**

March 2, 2007

Elihu M. Harris State Building
Oakland, California

DRAFT MEETING SUMMARY

1. Introductions/Approval of February 2, 2007 Meeting Summary

Tom Mumley, Chair of the Implementation Committee, called the meeting to order at 9:40 A.M. Introductions of committee members were delayed to allow for late arrivals. The Meeting Summary for February 2, 2007 was approved with the addition on page 3, of Geoff Brosseau's request to include information at the beginning of the revised CCMP Introduction explaining what the intent of the document is.

2. Public Comments

Ellen Johnck raised a question about whether new topics could be included in the CCMP. She would like to have historical and archeological resources be added and linked to natural resources. Tom Mumley clarified that Congress has not set specific limits. Rick Morat asked about the scope of "resources" to be addressed in the CCMP. Marcia Brockbank responded that the Clean Water Act states chemical, physical and biological resources, but each National Estuary Program has to determine its own scope.

Action: Staff will check with EPA Head Quarters and report back to the IC.

Tom Mumley reviewed the Agenda and stated that one hour each would be devoted to the presentations from the Wetlands Management and Pollution Prevention Workgroups.

3. CCMP Wetlands Management Workgroup

Mike Monroe US EPA, Co-Facilitator of the Workgroup, provided a brief overview of the Workgroup membership, number of meetings held, and number of recommended changes. The Workgroup will reconvene later this month to address comments received from IC members. (Deadline for comments is March 23.) Mike then presented the recommendations, going page by page to point out changes. The Introduction is new except for the original four goals. One Objective has been modified and one new Objective added. There are minor revisions to six Actions, more substantial revisions to four Actions and nine new Actions.

Mike explained that the Problem Statement describes current threats; the Existing Management Structure now includes the San Francisco Bay Joint Venture; and Accomplishments include new policies being established with the Subtidal and Uplands Habitat Goals Projects. The Joint Aquatic Resources Permit Application (JARPA) has been a success, wetlands restoration projects are at an all-time high and dredged materials are successfully being used in habitat restoration projects. In the Challenges section, invasive species and mercury contamination are new concerns as well as potential major impacts from global climate change.

Global Comments:

Geoff Brosseau asked if all Actions have Performance Measures. Mike commented that only new Actions have Performance Measures, they were difficult to determine and Cost estimates even harder. Beth Huning has reliable cost estimates from the San Francisco Bay Joint Venture of \$370 - \$400 million for identified projects in the next 3-5 years. Rick Breitenbach has guidance on Performance Measures from the CALFED Science Program, which he will email to staff for distribution. Geoff Brosseau will provide Performance Measure materials developed by BASMAA.

Barbara Salzman pointed out that Audubon Society (middle of page 2) should be plural, and wetland mitigation banking (fourth paragraph on page 7) is not universally supported and only on a watershed basis and if regulations are adopted.

Forrest Williams, San Jose City Councilman, asked about the process for managing wetlands and how to understand the value of wetlands. Why not start with elementary age children in educating about wetland resources and not wait until college. Mike Monroe will try to flesh out the public educational component.

Ellen Johnck observed that we are still talking about a 90% loss of wetlands. Have there been improvements? How many acres do we have now and how many more do we need? Landowners want more specifics about acres lost and gained. She would like to see more statistics in the document.

Fari Tabatabaei, ACOE, commented on developing success criteria for various programs. A lot has been done and money already spent on Actions from the original CCMP. The Introduction should state, and readers made aware, that the current revised document has a limited scope and that there has been progress, with a gain in knowledge and significant expenditures of money. Forrest Williams pointed out that people can use Google to track success of various projects. Tom Mumley stated the limitations of resources and time in the revision process, and that the Workgroups attempted to address the items most in need of attention.

Rick Morat commented the document needs to use an incentive-based approach and the Introduction should address urban growth around the Estuary.

Luisa Valiela, US EPA and Workgroup Co-Facilitator, asked how many IC members intended to send in comments - Jaime Kooser, Forrest Williams and Ted Smith responded.

Comments on Specific Actions

Action WT-1.3: Ellen Johnck asked about the difference between transition habitats and buffer zones and Luisa responded that there will be a Glossary to define these words.

Action WT-1.5: Rick Morat asked whether there are five or six bullets in Action 1.5. There are five. The wording in #5 should read to protect riparian and wetland systems.

Action WT-2.3: Barbara Salzman asked about the inclusion of the California Coastal Conservancy and San Francisco Bay National Estuarine Research Reserve in the *What* and it was explained that both contribute to the science needed in developing mitigation policies and Jaime Kooser, NERR said they provide training. Barbara Kondylis, Solano County asked about the meaning of "segment" in #2 under B: Mitigation Banking. It means the mitigation should be in the same geographic area where the alteration takes place and is the same definition as in the Habitat Goals Report.

Action WT-4.3: Rick Morat asked about success criteria. He does not think all wetland projects should have to be monitored for success. Are success criteria the same as Performance Measures? No. Forrest Williams asked why Santa Clara Valley Water District is not included in the *Who*. Luisa responded that it could be added as well as other water districts.

Action WT-5.2: Barbara Kondylis asked that endocrine disrupters be added to the examples of pollutants.

Action: All comments are due to Marcia Brockbank by March 23.

4. CCMP Pollution Prevention Workgroup

Richard Looker, San Francisco Bay Water Board and Facilitator of the Pollution Prevention Workgroup, presented a brief overview. The Workgroup included a number of chemical and civil engineers, met six times and communicated often by e-mail. The original four goals of the program have been retained. They provide a three-tier approach for addressing pollution: 1) pollution prevention; 2) control of pollutants that cannot be avoided; and 3) recommended remediation of existing pollutants. A new goal has been added which provides a fourth tier of actions to support improvement of water quality through restoration and enhancement of streams and tidal and floodplain wetland function. Although there has been progress since 1993, there are still problems even with some of the basic pollutants such as pathogens, trash, grease, and dissolved oxygen. In addition, there is concern about emerging contaminants. Waste treatment plants may be unable to deal with some of these new contaminants, particularly at low levels, and the solution may be to target the products themselves. In addition to the new goal, the Workgroup recommendations include revisions to seven Actions and the addition of eight new Actions.

Richard then went through the entire Pollution Prevention program. The new goal added to the original four addresses the added benefit derived from stream restoration in reducing pollutants. Action PO-1.2 provides an incentive for treating urban runoff; Action PO-1.4.2 focuses on agricultural runoff; and PO-1.6 updates the pesticide reduction strategy for the Estuary. Actions PO-1.7.1 and PO-1.7.2 provide two new Actions related to sources of pollution from new and existing commercial products. New Action PO-1.8 targets harmful pollutants such as trash, bacteria, sediments and nutrients. Action PO-3.3 focuses on big infrastructure changes. A new table has been added after the Introduction, which summarizes the current knowledge about sources and control strategies for most pollutants of concern in the Estuary. Pollutants are divided into three

categories: 1) pollutants for which there are effective controls; 2) pollutants for which sources are identified, but not enough information for effective pollution prevention; and 3) pollutants for which insufficient information exists regarding sources (emerging pollutants).

Comments:

Barbara Kondylis suggested that APEs (A kyl-phenol-ethanols) may be a better term for some of the "emerging contaminants" which have been around for a long time. It was suggested that the term "emerging contaminants" should be defined in the Glossary.

Ellen Johnck made the global comment that reducing regulatory barriers related to stream and wetlands policy may not make things less difficult.

Geoff Brosseau reminded members that the terms "contaminants and pollutants" have been defined in the Porter-Cologne Act and could be used in the Glossary. "Emerging" refers to our consciousness of certain contaminants and not necessarily because they are new.

Barbara Kondylis proposed the Introduction include a "precautionary principal" for new products or mention Europe's policy of not accepting new products until shown safe. Richard will consider inserting such language in PO-1.7.1 or in the PO Introduction. The California Product Stewardship Council is pushing hard on this issue.

Rick Morat recommended changing the title for the table to Pollutants of Concern.

Rick Breitenbach noted that the US Soil Conservation Service has changed its name to the Natural Resources Conservation Service.

Goals: Rick Breitenbach suggested that the use of the word "mitigate" in the new goal may not be the best term to recognize the linkage between stream improvements and pollution reduction. We should be improving water quality before it hits the stream rather than using streams to clean up pollution. After some discussion, it was suggested that the word "functions" be qualified and another word be used instead of mitigate.

Action PO-1.4.2: Add Resource Conservation Districts, Department of Health Services, Natural Resources Conservation Service, and other agricultural groups to the *Who*.

Action PO-1.6 Tom Mumley recommended including some Central Valley RWQCB examples and good work by the Department of Pesticide Regulation under the *What*.

Action PO-1.7.1 Members felt that there needed to be clear definitions. The Workgroup will consider including the "precautionary principal." The California Products Stewardship Council could be contacted for more information.

Action PO-1.7.2: Barbara Salzman suggested that the Action include the option of a ban on some products. Luisa Valiela recommended adding a bullet for nanotechnology.

Barbara Kondylis was concerned about biosolids and wanted to include APEs in the *What*, especially when they are bioaccumulative. Steve Moore, Workgroup member raised the question about where waste products belong, and Richard Looker responded that emerging contaminants will be addressed in the Introduction. Tom Mumley mentioned that the state of current science on the subject is to route runoff to treatment plants and that contaminants can get into sludge. Luisa will cross-reference the problem with biosolids in the Wetlands Management section in response to Barbara Kondylis' concerns. Barbara Salzman asked whether the Cost of \$10 million was to be borne by users. The response was no. Forrest Williams recommended that the European method of precaution and its measures for success be referred to in the Performance Measure as an example.

PO-1.8: Ellen Johnck said that the *Who* should include Department of Health Services, local health departments, and Natural Resources Conservation Service. Barbara Kondylis noted a typo on page 20 in the *What* (ashtrays). Strategies should be included for batteries in the *What*. Geoff recommended putting responsibility back on the source of trash and will provide wording.

PO-2.4: Tom Mumley has some minor word changes that he will provide.

PO-3.3: Barbara Kondylis asked that clean-up be defined broadly and that capping a polluted site be an option. Rick Morat raised the issue about requiring street washing as a pollution prevention strategy.

PO-4.2: Steve McAdam thought that it was overstating the situation to call the permitting process "onerous." The biggest objections are cost and time. There is a need to build in adaptive management and to monitor for success. The Action should be stated positively - "Apply reasonable, regulatory measures for tidal" Steve will submit suggestions in writing. There needs to be regulatory collaboration so that the permitting process encourages restoration and pollution reduction projects. Barriers should be removed but not regulatory oversight. Barbara Salzman wanted to eliminate "streamlined permitting" in the *What* section on page 33.

PO-4.2 and PO-4.3: Add US Army Corps of Engineers to the *Who*. Luisa asked about the intent - are these restoration or mitigation projects? The Performance Measure needs tweaking. Water quality-related infrastructure does not usually mean restoration projects. The Action should make clear that infrastructure projects do not tend to be restoration projects. Geoff Brosseau stated that BASMAA works a lot in creeks and that the agencies he represents have problems getting through the process, not particularly with regulations. Forrest Williams commented the life cycle of products needs to be mentioned and how products end up in runoff.

Action: All comments are due to Marcia Brockbank by March 23.

5. CCMP Steering Committee Report

Federal Consistency: Steve McAdam reported that the revised CCMP needs to be consistent with the state's Coastal Zone Management Act (BCDC's Bay Plan). It should be submitted to BCDC for review to determine its consistency and if a public meeting will be required to review and approve new Actions. This should be seen as a positive measure.

The CCMP document will be cross-referenced for consistency throughout. An Executive Summary is being prepared and an outline of the key points will be available at the next meeting. IC members agreed there should be a Resolution to acknowledge their support for the revised CCMP. Staff will provide draft language at the April 6 meeting.

6. SFEP Activities

National Estuary Program Budget: Marcia Brockbank reported that the good news is that SFEP has been awarded \$6 million in grants/contracts since January 1, 2007. The bad news is that there may be a federal budget reduction for SFEP if the US EPA only distributes \$19.2 million to the National Estuary Programs of the \$24 million appropriated by Congress. The federal funds are SFEP's only discretionary money and this would mean a cut from \$500,000 to \$300,000 for the 2007 FFY starting Dec. 2007.

CCMP Report Card and CCMP August 3, 2007 Workshop: The Report Card documents work done towards CCMP implementation during the previous two years. At the August 3 Workshop, workgroup members will "truth-test" the Draft 2007 CCMP Report Card that is being prepared for the 2007 State of the Estuary Conference and will set CCMP priority actions for the next two years. The updated CCMP is scheduled to be sent to the Executive Board for approval in July and hopefully will be ready for presentation at the Workshop in August.

State of the Estuary Conference: Karen McDowell reported that the eighth State of the Estuary Conference will be held at the Scottish Rite Center in Oakland on October 16, 17, and 18, 2007. An Advisory Committee has begun meeting to prepare the program. The next meeting will be April 2, 2007 at 1:00 PM at the State Building in Oakland. Sponsorship efforts are being expanded to help cover the costs. Contact Karen with ideas for topics or speakers.

6. Items/Assignments for April 6, 2007 Meeting Agenda

Land Use and Watershed Workgroup: First presentation at the April 6 Meeting.

Aquatic Resources and Wildlife Workgroup: Final presentation and vote on the recommendations.

CCMP Executive Summary: Presentation of the Outline for the CCMP Introduction (Executive Summary)

Draft CCMP Update Resolution of Support: Presentation of Draft Resolution for signatures of IC members.

7. Announcements

Electronic Mailing: IC members expressed appreciation for the electronic mailing of the meeting packet.

Bay Planning Coalition: Ellen Johnck announced their upcoming annual meeting to be held in Burlingame on April 12, 2007.

KGO Earth Day Event: SFEP has been invited to participate in the event which is expected to attract at least 5,000 persons. It is an opportunity to get our message out and to interact with the interested public. SFEP has some funds, but needs more to participate.

Next Meeting: April 6, 2007, Elihu M. Harris State Building, Oakland